IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 11333 of 2004

Between:

Gopavajjula Venkata Satyanarayana Murthy, S/o Ramakrishna Murthy,
Pangidigudem Village, Dwaraka Tirumala Mandal, W.G.Dist.

..... PETITIONER

AND

1 The District Collector, W.G.Dist., Eluru.
2 The Deputy Superintendent of Police, A.C.B., Eluru Range,
Eluru, W.G.Dist.
3 The Divisional Panchayat Officer, W.G.Dist., Eluru.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.1, in keeping the petitioner under continuous suspension by an order dt.10.10.03 under proceedings in ROC No.5724/2002-A1 (Pts) with out taking into account the relevant considerations, as null and void, as the same highly illegal, arbitrary, preserve, unlawful, contrary to provisions of AP Civil Services (C.C.A) Rules, 1991 in discharging the statutory duty, and violative of the rights to live as contemplated under Constitution of India, consequently directing the respondent No.1 to restrain the petitioner herein as Panchayat Secretary, Pangidigudem Village, Dwaraka Tirumala Mandal, W.G.Dist., with immediate effect, by paying the arrears of salary including all other emoluments

up to date with effect from 7.10.03.

Counsel for the Petitioner:MR.P.MURALI KRISHNA PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The petitioner was placed under suspension by an order dated 10-10-2003 under proceedings in ROC.NO.5724/2002-A1 (PTS) issued by the first respondent. Challenging the same, the present writ petition has been filed.

The learned Counsel appearing for the petitioner contended that the first respondent is not the competent authority to place the employee under suspension and therefore, the impugned order suffers from jurisdictional error. Hence, he prays to set aside the same.

Under Rule 14 of the Andhra Pradesh Civil Services (CCA) Rules, 1991, the authority which may place a member of a subordinate service under suspension under rule 8 or impose on such member, the penalties specified in clause (i) of Rule 10 and clauses (i) to (iv) of Rule 9 shall be his immediate superior Gazetted Officer or where the appointing authority, for such member is a Non-Gazetted Officer, such officer, or any authority to which he is subordinate; (b) the authority which may impose, on a member of a subordinate service, the penalty specified in clause (iii) of Rule 9 shall be the Officer next above the immediate superior Gazetted Officer.

This Court normally will not interfere with the suspension order pending enquiry unless the suspension order suffers from jurisdictional error. The impugned proceedings have been passed by the first respondent as in-charge of Panchayat Raj Wing and the petitioner was placed under suspension. Hence, there are no grounds to interfere with the suspension order pending enquiry. However, the respondents are directed to take appropriate decision as per law.

The writ petition is accordingly dismissed. In the circumstances, no costs.

12th JULY, 2004.

Kvni

To

1 The District Collector, W.G.Dist., Eluru.
2 The Deputy Superintendent of Police, A.C.B., Eluru Range, Eluru, W.G.Dist.
3 The Divisional Panchayat Officer, W.G.Dist., Eluru.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.(OUT)

5 Two CD copies.